

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - July 15, 1970

Appeal No. 10461 Harry S. Kessler, trustees, appellants

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of July 21, 1970.

ORDERED:

That the appeal for variance from the use provisions of the R-4 District to permit office for non-profit organization on fourth floor of building at 200 C Street, S. E., lot 805, Square 762 be denied.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District.
2. The property is improved with a five story apartment building under Certificate of Occupancy No. A-19287.
3. The appellant proposes to occupy the offices on the fourth floor for a non-profit organization known as the American Library Association.
4. The appellant alleged that the Association has occupied the offices on the fourth floor for the past 12 years.
5. The Capitol Hill Restoration Society and the Capitol Hill Southeast Citizens Association registered opposition to the granting of this appeal.
6. The uses enumerated under Section 3104 of the Zoning Regulations excludes as an R-4 District use offices for non-profit organizations.

OPINION:

We are of the opinion that this appeal must be denied.

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In order to grant a variance from the use provisions of the Zoning Regulations, we must find some extraordinary or exceptional situation relating to the land which would prevent the use of the property for its zoned purpose without unusual or undue hardship upon the owner. There is no doubt that the subject property can be used within the terms of the Zoning Regulations.

We are also of the opinion that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: George A. Grogan  
GEORGE A. GROGAN  
Secretary of the Board